

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK-----X
CHARLES MACPHERSON

Index no:

Plaintiff,

Date Filed

-against-

SUMMONS

SUSAN I. GARMHAUSEN, IN HER INDIVIDUAL CAPACITY
AND AS PROPOSED ADMINISTRATOR OF THE ESTATE
OF CHARLES F. GARMHAUSEN; DEBORAH CHIECO;
STEPHEN GARMHAUSEN; JAMES GARMHAUSEN;
PATRICK GARMHAUSEN; BARTHOLOMEW TORPEYBasis of Venue
Plaintiff's ResidenceDefendants
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in the above captioned action and to serve a copy of your Answer on the Plaintiff's Attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. The United States of America, if designated as a Defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint. No personal claim is made against the defendants other than Susan I. Garmhausen individually or in her capacity as Proposed Administrator of the Estate of Charles F. Garmhausen.

Dated: October 11, 2019
Hauppauge, New York 11788**ERNEST E RANALLI, ESQ.**

Attorneys for Plaintiff

By: Ernest E Ranalli, Esq.
742 Veterans Memorial Highway
Hauppauge, New York 11788
(631) 979-1461

TO:

SUSAN I. GARMHAUSEN
116 Wedgewood Drive
Coram, New York 11727

SUSAN I. GARMHAUSEN AS PROPOSED ADMINISTRATOR
OF THE ESTATE OF CHARLES F. GARMHAUSEN, DECEASED
116 Wedgewood Drive
Coram, New York 11727

DEBORAH CHIECHO
15 Elizabeth Avenue
Stanhope, New Jersey 07854

STEPHEN GARMHAUSEN
1915 Miles Avenue
Austin, Texas 78745

JAMES GARMHAUSEN
204 South Corn Street
Ithaca, New York 14850

PATRICK GARMHAUSEN
30166 Meadow Oaks Road
Romoland, California 92585

BARTHOLOMEW TORPEY
55 Seatuck Avenue
Eastport, New York 11941

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK-----X
CHARLES MACPHERSON

VERIFIED COMPLAINT

Plaintiff

-against-

Index No

SUSAN I. GARMHAUSEN, IN HER INDIVIDUAL
CAPACITY AND AS PROPOSED ADMINISTRATOR
OF THE ESTATE OF CHARLES F. GARMHAUSEN;
DEBORAH CHIECO; STEPHEN GARMHAUSEN;
JAMES GARMHAUSEN; PATRICK GARMHAUSEN;
BARTHOLOMEW TORPEY

Defendants

-----X
Plaintiff, Charles MacPherson, by his attorneys, alleges the following upon information
and belief:**THE PARTIES**

1. Plaintiff is an individual who resides at 54 E. Minerva Road, Lindenhurst, New York 11757.
2. Defendant Susan I. Garmhausen, is an individual who resides at 116 Wedgewood Drive, Coram, New York 11727.
3. Defendant Susan I. Garmhausen, is the wife of Charles F. Garmhausen, deceased.
4. Defendant Deborah Chieco, is an individual who upon information and belief resides at 15 Elizabeth Avenue, Stanhope, New Jersey 07804.
5. This defendant is a daughter of Charles F. Garmhausen, deceased.
6. Defendant Stephen Garmhausen, is an individual who upon information and belief resides at 1915 Miles Avenue, Austin, Texas 78745.
7. This defendant is a son of Charles F. Garmhausen, deceased.
8. Defendant James Garmhausen, is an individual who upon information and belief resides at 204 South Corn Street, Ithaca, New York 14850.

9. This defendant is a son of Charles F. Garmhausen, deceased.
10. Defendant Patrick Garmhausen, is an individual who upon information and belief resides at 30166 Meadow Oaks Road, Romoland, California 92585.
11. This defendant is a son of Charles F. Garmhausen, deceased.
12. Defendant Bartholomew Torpey is an individual who upon information and belief resides at 55 Seatuck Avenue, Eastport, New York 11731.
13. No personal claim is made against the defendants other than Susan I. Garmhausen in her individual capacity or as Proposed Administrator of the Estate of Charles F. Garmhausen.
14. These other defendants are listed because they might have an interest in the property of the estate of the deceased.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this matter pursuant to the Child Victims Act ("CVA") (l. 2019 C. 11). See CPLR §214-g and 22 NYCRR 202.72. .
16. Venue is proper pursuant to CPLR §503(a).

FACTUAL BACKGROUND

17. Plaintiff is the child of Susan I. Garmhausen and Charles F. Garmhausen, deceased.
18. Plaintiff's parents had a long history of abusing plaintiff as set forth specifically herein.
19. On or around 1970 when plaintiff was five years old, defendant Charles F. Garmhausen raped him.
20. Afterwards, plaintiff was unable to walk and had to be hospitalized for injuries sustained from the act.
21. Shortly thereafter, Plaintiff told defendant Susan I. Garmhausen what had happened and asked her for protection.

22. Defendant Susan I. Garmhausen had a legal duty to protect her son from danger.
23. Nevertheless, defendant Susan I. Garmhausen refused to protect her son and threatened to kill the plaintiff if her ever mentioned the rape to any third party.
24. Between 1970 and 1983, when plaintiff was between the ages of 5 and 18 years of age, defendant Susan I. Garmhausen communicated to the plaintiff that she believed that he [the plaintiff] was possessed by the devil.
25. Furthermore, she communicated to the plaintiff that because plaintiff was possessed by the devil he imagined that he had been sexually abused by his father.
26. Between 1970 and 1977 when plaintiff was between the ages of 5 through 12, defendant Susan I. Garmhausen instructed Charles F. Garmhausen to shower with plaintiff.
27. During these showers, defendant Charles F. Garmhausen fondled and otherwise sexually abused plaintiff.
28. Between 1970 and 1983, when plaintiff was between the ages of 5 through 18, defendant Charles F. Garmhausen masturbated in front of plaintiff.
29. Between 1970 and 1983, when plaintiff was between the ages of 5 through 18, defendant Charles F. Garmhausen told plaintiff that he was feminine and ridiculed plaintiff as being feminine.
30. Between 1968 and 1973, when plaintiff was between the ages of 3 through 8, defendant Susan I. Garmhausen exposed herself to plaintiff and masturbated in front of him.
31. Between 1968 and 1977, when plaintiff was between the ages of 3 through 12, defendant Susan I. Garmhausen forced plaintiff to remove his clothes and administered corporal beatings to him.

32. Between 1968 and 1983, when plaintiff was between the ages of 3 through 18, defendant Susan I. Garmhausen told plaintiff that his sexual thoughts were caused by the devil; were prohibited and should be reported to her.
33. Between 1968 and 1983, when plaintiff was between 3 through 18, defendant Susan I. Garmhausen told plaintiff he was prohibited from having sexual relations of any kind.
34. The injuries and damages sustained by plaintiff are specific in kind to plaintiff, special, peculiar, and above and beyond the injuries and damages suffered by other children.
35. Defendant Susan I. Garmhausen violated various New York State statutes, including, but not limited to New York Social Services Laws which require reporting of child abuse to authorities.
36. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.

AS AND FOR A FIRST CAUSE OF ACTION

Sexual Abuse Per-Se

37. Plaintiff repeats and reiterates each and every allegation set forth above as if set forth more fully herein.
38. The actions of both parents constitute sexual abuse per-se.
39. The actions of both parents constitute extreme and outrageous conduct.
40. The actions of both parents constitute criminal activity as defined by New York State penal law.
41. The acts of the defendant were intentional.
42. The acts of the defendant were with malice.
43. The acts of the defendant were knowing.
44. The acts of the defendant were wonton.
45. The acts of the defendant were depraved.
46. The acts of the defendant were without authorization or consent of the plaintiff.
47. The acts of the defendant were without privilege.
48. The acts of the defendant caused plaintiff physical and emotional damage.
49. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.
50. Plaintiff has been damaged in the sum of \$ 1,000,000.00

AS AND FOR A SECOND CAUSE OF ACTION**Negligence**

51. The defendant repeats and realleges each and every statement set forth above as if set forth more fully herein.
52. Defendant Susan I. Garmhausen knew or should have known that her husband was a sexual predator.
53. Defendant Susan I. Garmhausen had a duty to protect her son from the predatory acts of her husband but failed to do so.
54. The acts of defendant Susan I. Garmhausen contributed to the continuing sexual abuse of her son at the hand of her husband.
55. Defendant Susan I. Garmhausen breached her duty to her son by failing to keep her husband away from him.
56. Defendant Susan I. Garmhouse breached her duty to her son by failing to notify the proper authorities to the acts involved.
57. The acts of the defendant were intentional.
58. The acts of the defendant were knowing.
59. The acts of the defendant were wonton.
60. The acts of the defendant were without authorization or consent of the plaintiff.
61. The acts of the defendant were without privilege.
62. The acts of the defendant caused plaintiff physical and emotional damage.
63. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.
64. Plaintiff has been damaged in the sum of \$ 1,000,000.00.

AS AND FOR A THIRD CAUSE OF ACTION

Breach of Fiduciary Duty


65. Based upon the fact that defendant Susan I. Garmhausen was the mother of the defendant she had a fiduciary duty to protect him.
66. Defendant was not permitted to ignore or delegate that duty.
67. Defendant Susan I. Garmhausen breached that duty by failing to protect plaintiff.
68. Based upon the fact that defendant Susan I. Garmhausen was plaintiff's mother there existed a fiduciary relationship of trust, confidence, and reliance between plaintiff and said defendant.
69. Defendant Susan I. Garmhausen breached its fiduciary duty to plaintiff.
70. At all times material hereto, defendant Susan I. Garmhausen's actions and/or inactions were willful, wonton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of plaintiff.
71. As a direct result of such conduct, plaintiff has suffered the injuries and damages described herein.
72. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.
73. Plaintiff has been damaged in the sum of \$ 1,000,000.00
74. That no previous application for this relief has been requested.

Wherefore, Plaintiff requests that this Court issue an Order granting the following relief:

1. To grant judgment in favor of the plaintiff and against Susan I. Garmhausen, individually and as Proposed Administrator of the Estate of Charles F. Garmhausen on the first cause of action for \$ 1,000,000.00
2. To grant judgment in favor of the plaintiff and against Susan I. Garmhausen, individually and as Proposed Administrator of the Estate of Charles F. Garmhausen on the second cause of action for \$ 1,000,000.00.
3. To grant judgment in favor of the plaintiff and against Susan I. Garmhausen, individually and as Proposed Administrator of the Estate of Charles F. Garmhausen on the third cause of action for \$ 1,000,000.00.
4. For such other and further relief as this Court determines to be just and proper.

Dated: October 11, 2019
Hauppauge, New York 11788

THE RANALLI LAW GROUP, PLLC
Attorneys for Plaintiff



By: Ernest E. Ranalli, Esq.
742 Veterans Memorial Highway
Hauppauge, New York 11788
(631)979-1461

INDIVIDUAL VERIFICATION

**STATE OF NEW YORK
COUNTY OF SUFFOLK**

Charles MacPherson, being duly sworn, deposes and says:

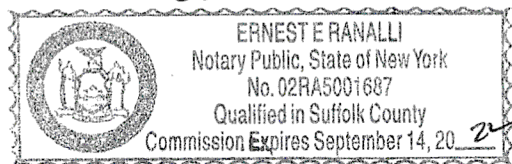
That I am the Plaintiff named in this matter and referred to as Charles MacPherson.

The information contained in the Summons with Complaint is true to the best of my knowledge except for those statements which are based upon information and belief and to those statements I also believe them to be true as well.

Dated: October 11, 2019
Hauppauge, New York 11788

Charles MacPherson
Charles MacPherson

Sworn to before me
this 11th day of October 2019



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

Index no

CHARLES MACPHERSON,

Plaintiff,

-against-

SUSAN I. GARMHAUSEN, IN HER INDIVIDUAL CAPACITY AND AS PROPOSED
ADMINISTRATOR OF THE ESTATE OF CHARLES F. GARMHAUSEN; DEBORAH
CHIECO; STEPHEN GARMHAUSEN; JAMES GARMHAUSEN;
PATRICK GARMHAUSEN; BARTHOLOMEW TORPEY

Defendant(s).

THE RANALLI LAW GROUP, PLLC

Attorneys for Plaintiff
742 Veterans Memorial Highway
Hauppauge, New York 11788
(631) 979-1461

SUMMONS WITH VERIFIED COMPLAINT

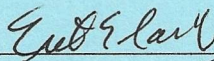
TO:

Attorneys for

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature



Print Signer's Name

E. Ranalli

Service of a copy of the within
admitted.

is hereby

Dated:

Attorney(s) for

NOTICE OF ENTRY

PLEASE TAKE NOTICE that the within is a (certified) true copy of a
office of the within named Court on

entered in the

Dated:

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that an Order of which the within is a true copy will be presented for
settlement to the Hon. one of the judges of the within named Court, on at
a.m.

Dated: